

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In Re:)	
)	
DIAMONDHEAD CASINO)	
CORPORATION,)	C. A. No. 24-11354-JKS
)	
ALLEGED DEBTOR.)	Chapter 7

**DIAMONDHEAD CASINO CORPORATION’S
DESIGNATION OF THE RECORD ON APPEAL**

Diamondhead Casino Corporation (“Appellant”), pursuant to Federal Rule of Bankruptcy Procedure 8009 and Local Rule 8009-1, hereby submits this Designation of the Items to be Included in the Record on Appeal from the Bankruptcy Court’s Opinion (D.I. 42) entered on July 30, 2025, Order (D.I. 43) entered on July 30, 2025, and Order (D.I. 45) entered on July 31, 2025, pursuant to Federal Rule of Bankruptcy Procedure 8009 and Local Rule 8009-1.

	DOCKET NUMBER	DATE FILED	TITLE OF DOCUMENT
1	1	06/12/2024	Chapter 7 Involuntary Petition
2	9	07/18/2024	First Motion to Dismiss Involuntary Petition Filed by Diamondhead Casino Corporation Attachment #1: Declaration of Deborah Vitale in Support of Motion to Dismiss Exhibits #1 through #18 to Declaration of Deborah Vitale Declaration of Gregory A. Harrison in Support of Motion to Dismiss Exhibit #1 to Declaration of Gregory A. Harrison

3	11	09/03/2024	Response of Petitioning Creditors Answering Brief in Opposition to Motion of the Alleged Debtor, Diamondhead Casino Corporation, to Dismiss the Involuntary Bankruptcy Petition or, in the Alternative, to Convert the Case to a Chapter 11
4	12	09/03/2024	Declaration in Support of Petitioning Creditors' Answering Brief in Opposition to Motion of the Alleged Debtor, Diamondhead Casino Corporation, to Dismiss the Involuntary Bankruptcy Petition or, in the Alternative, to Convert the Case to a Chapter 11
5	27	12/16/2024	Transcript regarding Hearing Held 12/4/2024 re Motion to Dismiss
6	36	01/23/2025	Transcript regarding Hearing Held 01/16/2025
7	37	02/11/2025	Exhibit(s) Notice of Admitted Exhibits and Attachment #1 Exhibit List of Admitted Exhibits And all exhibits identified in Attachment #1
8	38	02/11/2025	Brief Opening Post Hearing Brief of Debtor (related document 9, 35)
9	39	03/04/2025	Memorandum of Law/Brief Petitioning Creditors' Post-Hearing Answering Brief in Opposition to Motion of the Alleged Debtor, Diamondhead Casino Corporation, to Dismiss the Involuntary Bankruptcy Petition or, in the Alternative, to Convert the Case to a Chapter 11
10	40	03/14/2025	Reply Brief of the Alleged Debtor, Diamondhead Casino Corporation, In Support of Its Motion to Dismiss the Involuntary Petition or, In the Alternative, to Convert the Case to Chapter 11
11	42	07/30/2025	OPINION
12	43	07/30/2025	ORDER
13	45	07/31/2025	ORDER for Relief in Involuntary Case
14	46	08/01/2025	Appointment of Trustee George L. Miller
15	47	08/13/2025	First Motion to Stay Pending Appeal filed by Diamondhead Casino Corporation Attachment #1: Declaration of Deborah Vitale in Support of Motion for Stay Attachment #1: Exhibit A to Declaration of Deborah Vitale
16	49	08/13/25	BRIEF IN Support of Motion to VACATE Court's Opinion and Order dated July 30, 2025 and its Order dated July 31, 2025 and to dismiss the Petition or alternatively, to alter and amend its Opinion Attachments #1, 2, 3, 4, 5,6, and 7 (Exhibits A-F) Attachment #8: Declaration of Deborah Vitale in Support of Motion

17	50	08/13/2025	Notice of Appeal of Diamondhead Casino Corporation Fee amount \$298 Attachments : #1: Ex A: July 30, 2025 Opinion of the Court #2: Ex B: July 30, 2025 Order of the Court #3: Ex C: July 31, 2025 Order of the Court #4: Certificate of Service
18	51	08/13/2025	Receipt of filing fee for Notice of Appeal (\$298.00)
19	52	08/13/2025	Transmittal of record on Appeal to District Court with Attachments #1 Notice of Appeal (#50) Opinion on Appeal (#42) Order on Appeal (#43) Order on Appeal (#45)
20	53	08/13/2025	Clerk's Notice Regarding Filing of Appeal
21	54	08/14/2025	Notice of Docketing Record on Appeal to District Court
22	55	08/13/2025	Motion for Leave to Intervene and Be Heard, Motion to Vacate the Court's Opinion and Order dated July 30, 2025 and Dismiss the Involuntary Petition or, Alternatively, to Alter and Amend the Opinion and Orders (42, 43, 45) Motion to Stay Pending Appeal of the Court's Opinion and Order dated July 30, 2025 and Order dated July 31, 2025 Pending Resolution of the Appeal Filed by Deborah Vitale
23	56	08/13/2025	Notice of Appeal of Europa Cruises Corporation Stock Ownership Plan Receipt: fee amount \$298
24	57	08/13/2025	Notice of Appeal of Deborah A. Vitale Receipt: \$298
25	58	08/14/2025	Transmittal of Record on Appeal to District Court
26	59	08/14/2025	Transmittal of Record on Appeal to District Court
27	63	08/15/2025	Motion to Vacate the Court's Opinion and Order dated July 30, 2025 and Dismiss the Involuntary Petition or alternatively, to alter and amend the Opinion and Order Attachments: #1 Notice of Motion; #2 Proposed Form of Order; #3 Certificate of Service
28			Exhibits and Joint Exhibits Identified in D.I. 37 above (Exhibits 1 through 61) Hearing Dates: a) 12-4-24 and b) 1-16-25

The Appellant reserves the right to supplement its Designation of the Items to be Included in the Record on Appeal as additional transcripts or filings become available.

Dated: August 27, 2025

BIGGS & BATTAGLIA

/s/ Robert D. Goldberg

Robert D. Goldberg (Delaware Bar ID #631)

921 N. Orange Street

Wilmington, DE 19899-1489

Telephone: (302) 655-9677

email: Goldberg@batlaw.com

Attorney for Appellant Diamondhead Casino Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Designation of the Items to be Included in the Record on Appeal, was served electronically, via CM/ECF, this 27th day of August, 2025, on the following:

Jonathan M. Stemerman, Esquire
Armstrong Teasdale, LLP
1007 N. Market Street, 3rd Floor
Wilmington, DE 19801

Bradford J. Sandler
Pachulski Stang Ziehl & Jones LLP
919 North Market Street, 17th Floor
Wilmington, DE 19801

/s/ Robert D. Goldberg